

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

COYOTE LOGISTICS, LLC

PLAINTIFF

v.

CAUSE NO. 1:16-CV-00094-LG-RHW

SOUTHTON RAIL YARD, LLC

DEFENDANT

**MEMORANDUM OPINION AND ORDER GRANTING
MOTION TO DISMISS FOR LACK OF JURISDICTION**

BEFORE THE COURT is the Motion [5] to Dismiss for Lack of Jurisdiction, filed April 4, 2016, by the Defendant, Southton Rail Yard, LLC. Southton contends that the Plaintiff, Coyote Logistics, LLC, has incorrectly asserted in the Complaint that the parties are completely diverse, since one of the members of the Southton LLC has the same citizenship as one of the members of the Coyote LLC. There has been no response filed by Coyote, and the time for doing so has passed. After due consideration of the Motion, it is the Court's opinion that it is well-taken and should be granted.

DISCUSSION

In its Complaint, Coyote invokes the diversity jurisdiction of this Court pursuant to 28 U.S.C. § 1332, alleging that it is a citizen of Illinois and Delaware, and Southton is a citizen of Texas and/or Louisiana. (Compl. 2, ECF No. 1). Coyote properly looked to the citizenship of the members of the limited liability companies in order to allege citizenship for diversity jurisdiction purposes. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

However, Southton has provided affidavits setting out its organizational

structure and members. (Mot. to Dismiss Ex. B & C, ECF Nos. 5-2 & 5-3). The affidavits show that Southton has one member – Shale Support Holdings, LLC. Shale Support Holdings, LLC is a Delaware LLC comprised of three members. (Mot. to Dismiss Ex. B, ECF No. 5-2). One of those members is Stonehill Institutional Partners, L.P. (*Id.*).

The Court must also consider the citizenship of the general and limited partners of the Stonehill Institutional Partners limited partnership to determine diversity jurisdiction. *Carden v. Arkoma Assoc.*, 494 U.S. 185, 195-96 (1990). Stonehill Institutional Partners, L.P. has seventy-five limited partners and one general partner. (Mot. to Dismiss Ex. C, ECF No. 5-3). Of those seventy-five limited partners, two are Delaware corporations. (*Id.*). Therefore, both plaintiff and defendant are citizens of the State of Delaware and complete diversity is lacking.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion [5] to Dismiss for Lack of Jurisdiction, filed by the Defendant, Southton Rail Yard, LLC, is **GRANTED**. Plaintiff's claims against the Defendant are **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED AND ADJUDGED this the 21st day of April, 2016.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE